

REMARKS

This Amendment responds to the office action mailed on November 27, 2007. In the office action, claims 26, 27 and 33-40 are rejected. These rejections are respectfully traversed. Claim 26 is amended for clarity.

Claims 26-27 and 33-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mendez (U.S. 2003/0097358) in view of Achiwa (U.S. 2003/011090). The Applicant respectfully disagrees and requests reconsideration of these rejections. Among other distinctions, neither of the cited references teaches or suggests a memory management system or method for a mobile device that determines if additional memory space is needed on the mobile device, and then, if additional space is needed, communicates with a remote server to ensure that the server has a copy of one or more data items before deleting those data items from the mobile device to create additional memory space.

The newly cited Achiwa reference describes a method for transferring files from one storage location to another. Specifically, the Achiwa system describes a file transfer method in which files are moved from a storage client site to a storage server site and are then deleted from the storage client site. In one example, the files are transferred because the system detects a near disk full condition at the storage client site. (See, Achiwa, paragraph 0049). The Achiwa system does not, however, disclose communicating with the server to ensure that a duplicate copy of a data item is stored on the server prior to deleting the data item to free memory space on the mobile device. This is because the Achiwa system addresses a completely different issue. In Achiwa, the system is concerned with moving files from the client to the server and then deleting the files from the client so that the files are only stored in one location. The claimed system does not relate to moving files. Rather, in the claimed system the data items are initially stored at both the mobile device and the server, and are then deleted from one location (the mobile device) once the mobile device verifies that a backup copy is stored on the server. That is, in the claimed system the data items can be deleted from the mobile device to create memory space because the system determines that they are already stored at the server. Achiwa does not contemplate this

procedure. Further, the Mendez reference does not cure this defect, because as explained in previous office action responses and in the previous request for pre-appeal review, the Mendez reference does not relate to memory management at all.

For at least these reasons, the Applicant submits that claims 26, 27 and 33-36 are patentable over the cited references and are in condition for allowance.

Respectfully submitted,



Joseph M. Sauer (Reg. No. 47,919)
Jones Day
North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506